HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No.4217 of 2004

Date of decision 05.12.2006

Partap Singh

...Petitioner

Versus

Gram Panchayat and ors.

...Respondents

Coram: Hon'ble Mr.Justice Hemant Gupta

Present: Mr.M.L.Saini, Advocate and
Mr.Vikas Sharma,Advocate
for the petitioner.
Mr.N.S.Shekhawat Advocate
for respondent no.1

JUDGMENT

HEMANT GUPTA, J.(Oral)

The plaintiff is in revision petition aggrieved against the orders passed by the Courts below, whereby his application for grant of ad-interim injunction, was dismissed by the courts below.

It has been found that Mahabir Singh, field Kanugo has demarcated the suit property and that no objections were raised by the petitioner to the demarcation conducted. It has been further found that the petitioner is in illegal possession of Ahata No.18 and as such this application for grant of ad interim injunction has been dismissed.

Learned counsel for the petitioner vehemently argued that earlier local commissioner was

appointed. According to his report, there is no encroachment. On the basis of subsequent demarcation conducted by Mahabir Singh field Kanugo, the application regarding grant of injunction has been dismissed.

Both the courts below have relied upon the demarcation report of Mahabir Singh, fieed Kanugo. Whether such report can be relied upon or not is a question which can be decided by leading evidence. Prima facie, it cannot be said that such report has been wrongly taken into consideration which is found to be carried in accordance with the procedure of carrying out demarcation.

I do not find any illegality or irregularity in the orders passed by the Courts below, which may call for any interference by this Court in its revisional jurisdiction.

This petiton is accordingly, dismissed.

(**HEMANT GUPTA**)
JUDGE

05.12.2006
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